

2002 MAY -1 PM 3: 42

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcases 35-00007, 35-13323 and 35-13324
	)	(Capital Lending, Inc.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III, Volume Two (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-00007 to North Fork Energy, Inc., for 2.06 cfs from an unnamed stream to irrigate 103 acres from April 1 to October 31 with a priority date of may 1, 1887, based on a decree.

IDWR filed a *Notice of Completed Administrative Proceedings (NCAP)* on February 25, 1999, for a substitution of party from North Fork Energy, Inc., to John L. Miller. IDWR filed another *NCAP* on December 17, 2001, for a substitution of party from Mr. Miller to Capital Lending, Inc., 3905 State Street, #7148, Santa Barbara, California 93105. IDWR filed a third *NCAP* on March 25, 2002, for changes in point of diversion, place of use, period of use, nature of use and a split of 35-00007 into 35-13323 and 35-13324. There are no pending objections.

Conclusions of Law

Capital Lending, Inc., is entitled to partial decrees adjudicating water rights under claims 35-13323 and 35-13324 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-13323 and 35-13324*.

Recommendation

THEREFORE, IT IS RECOMMENDED that 35-00007 **not** be adjudicated as a water right the claim having been split into 35-13323 and 35-13324.

DATED May 1, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-13323

2002 MAY -1 PM 3:43

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA, CA 93105

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 1.62 CFS
324.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.:
35-07138, 35-13323

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T04S R32E S24 SWNE Within Bingham County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.62 CFS 324.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R32E S24	
	SWNE 4.0	SENE 1.0
	NESW 24.0	NWSW 7.0
	SESW 21.0	NESE 1.0
	NWSE 23.0	
	81.0 Acres Total	

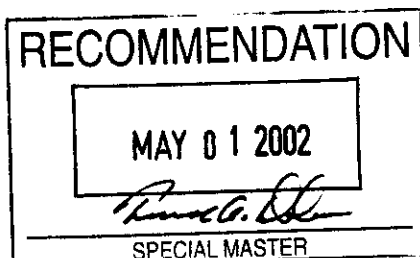
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 81 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 35-7138, 35-13323

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

SOURCE:	UNNAMED STREAM	TRIBUTARY:	SNAKE RIVER
QUANTITY:	88.00	AFY	
PRIORITY DATE:	05/01/1887		
POINT OF DIVERSION:	T04S R32E S25	NWNWNW	Within Bingham County

PLACE OF USE: Recreation Storage Within Bingham County
T04S R32E S24 SWSW

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

MAY 01 2002

Russell A. Dill

SPECIAL MASTER

2002 MAY -1 PM 3: 43

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 35-00007

On May 01, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 01, 2002.


LETTIE MESSICK
Deputy Clerk

2002 MAY -1 PM 3:43

DISTRICT COURT SRBA
TWIN FALLS IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

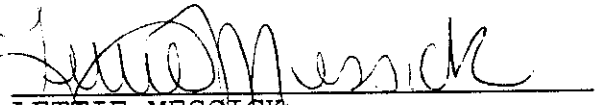
Water Right(s): 35-00007

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 01, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CAPITAL LENDING INC
1475 TERMINAL WAY STE E
RENO, NV 89502



LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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TWIN FALLS, IDAHO

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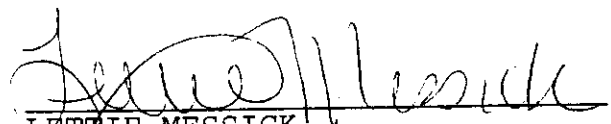
Water Right(s): 35-13323

On May 01, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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DATED May 01, 2002.


LETTIE MESSICK
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TWIN FALLS, IDAHO
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In Re SRBA)

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Water Right(s): 35-13323

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CAPITAL LENDING INC
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SANTA BARBARA, CA 93105

[Signature: Lettie Messick]

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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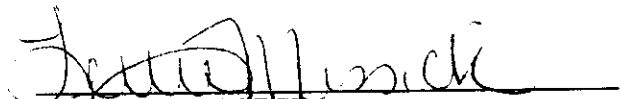
Water Right(s): 35-13324

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DATED May 01, 2002.


LETTIE MESSICK
Deputy Clerk

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DISTRICT COURT-SREA
TWIN FALLS, IDAHO
FILED *[Signature]*

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CERTIFICATE OF MAILING

Water Right(s): 35-13324

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